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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,340	12/05/2000	Yoshio Osakabe	7217/63309	8639

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EXAMINER

FAULK, DEVONA E

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/730,340

Applicant(s)

OSAKABE ET AL.

Examiner

Devona E. Faulk

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The applicant's RCE has been received and the amendment entered.

Response to Arguments

2. Applicant's arguments filed 3/17/2006, with regards to the amended claim language have been fully considered but they are not persuasive. The applicant asserts that prior art Sato fails to disclose "placing identification data in the sub-label section, the identification data indicating a spatial placement of the plurality of audio channels". The examiner disagrees. Sato teaches of OPR1, OPR2, and OPR3 which are parameter fields. Sato teaches of an OPR 1 section that indicates whether or not audio recording is to be carried out on channels 1 to 4 (column 5, lines 38-42. Figure 3) and this reads on a sub-label section as claimed. Spatial placement is interpreted by the examiner as just placement in space. The determination of which channels audio recording will be carried out on also identifies where the audio recording will be sent and this reads on spatial placement. Therefore, Sato still anticipates the recited claim language.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1 and 6** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

Art Unit: 2615

which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites "real-time data transmitting method for transmitting real-time data of a plurality of audio channels of a multi-channel audio channel...". Claim 6 recites "transmission data generating means for transmitting the real-time data of the plurality of audio channels in a predetermined format". The specification recites only on page 19 "the isochronous transmission (Iso-transmission) for transmitting data that should be transmitted in real time, such as video data and audio data". The original disclosure does not teach of transmitting real-time data of a plurality of audio channels of a multi-channel audio system. It only speaks to the fact that audio and video data can be transmitted in real-time.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1 and 6** are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al. (U.S. Patent 5,802,017).

Claims 1 and 6 share common features.

Regarding **claims 1 and 6**, Sato discloses

a data transmitting method (abstract) (apparatus) for isochronously transmitting real-time data of a plurality of audio channels (column 6, lines 25-32, apparatus of claim 6; Sato teaches of isochronous and asynchronous transmission, column 1, lines 50-55) of a multi-channel audio system in a predetermined format (IEEE 1394, Figure 1) using a plurality of units each having a predetermined data length among devices linked to a predetermined bus line (IEEE 1394 standard) wherein the predetermined bus line further supports asynchronous data transmission for transmitting control data (column 1, lines 50-60), comprising the steps of:

Setting up a sub-label section (OPR1, Figure 2A-2C; column 5, lines 38-42)) between a label section and a data transmission section including the data of the plurality of audio channels in a unit having the predetermined data length;

and placing identification data in the sub-label section, the identification data indicating a spatial placement of the data of the plurality of audio channels in the data transmission section (OPR1; Figure 3; column 5, lines 38-42; column 5, lines 50-56; column 6, lines 1-6) .

Regarding **claim 6**, Sato's VTR data bus (3) reads on data input means; transmission/reception block to and from IEEE 1394 bus (4, Figure 1) reads on transmitting data generating means and sending means; IEEE 1394 serial bus reads on predetermined bus and predetermined length.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2615. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEF


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